



U.S. Department of Justice

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August 16, 2021

The Hon. Richard D. Bennett
United States District Court Judge
101 W. Lombard Street
Baltimore, Maryland 21201

Re: *United States v. Liberto*
Crim. No. 1:19-cr-00600-RDB

Dear Judge Bennett:

I have received the letter that Mr. Himeles filed this morning (ECF # 68). The government continues to agree with the expectation that your Honor expressed at the hearing on Friday, June 25th – that it would be preferable if this issue were briefed, argued, and resolved prior to the commencement of the trial. In particular because of the need for what may be somewhat extended argument by counsel, and so the parties can advise the Court of pertinent authorities so that it will have time to review them in advance, we do not believe this is an issue that is well-suited for resolution in the midst of the trial itself.

We have been awaiting the defense's filing, and first received notice that they now did not intend to file a written submission or seek a hearing only last Tuesday, August 10th. We therefore ask that the Court set a hearing on this matter perhaps on the same afternoon as the pre-trial conference (Monday, September 27th; the conference is currently slated to start at 2 p.m.) or on a later date that week if one is available, and that both parties file any written submissions no later than Wednesday, September 15th.

Very Truly Yours,


Jefferson M. Gray

cc: All Counsel (by ECF)